

J. Noah Hagey, Esq. (SBN: 262331)  
[hagey@braunhagey.com](mailto:hagey@braunhagey.com)  
 Matthew Borden, Esq. (SBN: 214323)  
[borden@braunhagey.com](mailto:borden@braunhagey.com)  
 Ellen V. Leonida, Esq. (SBN: 184194)  
[leonida@braunhagey.com](mailto:leonida@braunhagey.com)  
 Andrew Levine, Esq. (SBN: 278246)  
[levine@braunhagey.com](mailto:levine@braunhagey.com)  
 Yekaterina Kushnir, Esq. (SBN: 350843)  
[kushnir@braunhagey.com](mailto:kushnir@braunhagey.com)  
 BRAUNHAGEY & BORDEN LLP  
 351 California Street, 10th Floor  
 San Francisco, CA 94104  
 Telephone: (415) 599-0210  
 Facsimile: (415) 276-1808

Garrett Biedermann, Esq. (*pro hac vice*)  
[biedermann@braunhagey.com](mailto:biedermann@braunhagey.com)  
 Eric Schlabs, Esq. (*pro hac vice*)  
[schlabs@braunhagey.com](mailto:schlabs@braunhagey.com)  
 BRAUNHAGEY & BORDEN LLP  
 118 W 22nd Street, 12th Floor  
 New York, NY 10011  
 Telephone: (646) 829-9403  
 Facsimile: (646) 403-4089

ATTORNEYS FOR DIRECT PURCHASER PLAINTIFFS

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA**

IN RE TELESCOPES ANTITRUST  
 LITIGATION

This Document Relates to:

AURORA ASTRO PRODUCTS LLC,  
 PIONEER CYCLING & FITNESS, LLP, and  
 those similarly situated,

Plaintiffs,

v.

CELESTRON ACQUISITION, LLC, SUZHOU  
 SYNTA OPTICAL TECHNOLOGY CO., LTD.,  
 SYNTA CANADA INT'L ENTERPRISES  
 LTD., SW TECHNOLOGY CORP., OLIVON  
 MANUFACTURING CO. LTD., OLIVON USA,  
 LLC, NANTONG SCHMIDT OPTO-  
 ELECTRICAL TECHNOLOGY CO. LTD.,

Case No. 5:20-cv-03639-EJD

Case No. 5:20-cv-03642-EJD

**DECLARATION OF MATTHEW  
 BORDEN IN SUPPORT OF DIRECT  
 PURCHASER PLAINTIFFS' MOTION  
 FOR CLASS CERTIFICATION**

**Date:** July 18, 2024  
**Time:** 9:00 a.m.  
**Judge:** Hon. Edward J. Davila  
**Courtroom:** 4, 5th Floor  
**Compl. Filed:** June 1, 2020  
**Fourth Am.** September 1, 2023  
**Compl. Filed:**  
**Trial Date:** None Set

1 NINGBO SUNNY ELECTRONIC CO., LTD.,  
2 PACIFIC TELESCOPE CORP., COREY LEE,  
3 DAVID SHEN, SYLVIA SHEN, JACK CHEN,  
4 JEAN SHEN, JOSEPH LUPICA, DAVE  
5 ANDERSON, LAURENCE HUEN, and DOES  
6 1-50,

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Defendants.

1 I, Matthew Borden, declare:

2 1. I am licensed to practice before this Court and am counsel of record for Direct  
3 Purchaser Plaintiffs (“DPPs”). I make this declaration based on personal knowledge. If called as a  
4 witness, I could and would testify competently to the facts stated herein.

5 2. Attached as **Exhibit 1** is a true and correct copy of an email produced by  
6 Defendants in this case, bearing the beginning bates number DEFS001666934, and followed by a  
7 certified translation of the same email into English.

8 3. Attached as **Exhibit 2** is a true and correct copy of an email produced by  
9 Defendants in this case, bearing the beginning bates number DEFS001767435, and introduced at  
10 the deposition of Defendant Corey Lee as Exhibit 80.

11 4. Attached as **Exhibit 3** is a true and correct copy of an email produced by  
12 Defendants in this case bearing the beginning bates number DEFS000602711.

13 5. Attached as **Exhibit 4** is a true and correct copy of an email produced by  
14 Defendants in this case, bearing the beginning bates number DEFS005570684, and followed by a  
15 certified translation of the same email into English. This document was introduced at the deposition  
16 of Defendant Corey Lee as Exhibit 89.

17 6. Attached as **Exhibit 5** is a true and correct copy of a document produced by  
18 Defendants in this case, bearing the beginning bates number DEFS005570685, and introduced at  
19 the deposition of Corey Lee as Exhibit 90.

20 7. Attached as **Exhibit 6** is a true and correct copy of an email produced by  
21 Defendants in this case, bearing the beginning bates number DEFS021727419, and followed by a  
22 certified translation of the same email into English. This document was introduced at the deposition  
23 of Defendant Laurence Huen as Exhibit 3.

24 8. Attached as **Exhibit 7** is a true and correct copy of a document produced by  
25 Defendants in this case, bearing the beginning bates number DEFS001224632.

26 9. Attached as **Exhibit 8** are true and correct excerpts from the transcript for the  
27 September 10, 2023 deposition of Dagong Shen.

28

1           10. Attached as **Exhibit 9** are true and correct excerpts from the transcript for the March  
2 28, 2024 Rule 30(b)(6) deposition of Corey Lee for Defendant Celestron Acquisition, LLC.

3           11. Attached as **Exhibit 10** are true and correct excerpts from the transcript for the April  
4 16, 2024 deposition of Defendant Joseph Lupica.

5           12. Attached as **Exhibit 11** are true and correct excerpts from the transcript for the  
6 February 19, 2024 deposition of Defendant David Anderson.

7           13. Attached as **Exhibit 12** is a true and correct copy of an email produced by  
8 Defendants in this case, bearing the beginning bates number DEFS002593681.

9           14. Attached as **Exhibit 13** is a true and correct copy of an email produced by  
10 Defendants in this case, bearing the beginning bates number DEFS005642649, and followed by a  
11 certified translation of the same email into English.

12           15. Attached as **Exhibit 14** is a true and correct copy of an email produced by  
13 Defendants in this case, bearing the beginning bates number DEFS000672000.

14           16. Attached as **Exhibit 15** is a true and correct copy of an email produced by  
15 Defendants in this case, bearing the beginning bates number DEFS002593042, and introduced at  
16 the deposition of Defendant Joseph Lupica as Exhibit 21.

17           17. Attached as **Exhibit 16** is a true and correct copy of an email produced by  
18 Defendants in this case, bearing the beginning bates number DEFS000685498, and introduced at  
19 the deposition of Defendant Joseph Lupica as Exhibit 18.

20           18. Attached as **Exhibit 17** is a true and correct copy of an email produced by  
21 Defendants in this case, bearing the beginning bates number DEFS002899466, and introduced at  
22 the deposition of Defendant Corey Lee as Exhibit 75.

23           19. Attached as **Exhibit 18** is a true and correct copy of an email produced by  
24 Defendants in this case, bearing the beginning bates number DEFS002621723.

25           20. Attached as **Exhibit 19** are true and correct excerpts from the transcript for the  
26 September 14, 2023 deposition of Yongxue Dong.

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21. Attached as **Exhibit 20** are true and correct excerpts from the transcript for the March 27, 2024 Rule 30(b)(6) deposition of Sylvia Shen on behalf of Defendant SW Technology Corp.

22. Attached as **Exhibit 21** is a true and correct copy of an email produced by Defendants in this case, bearing the beginning bates number DEFS000777210, and introduced at the deposition of Defendant Joseph Lupica as Exhibit 15.

23. Attached as **Exhibit 22** is a true and correct copy of an email produced by Defendants in this case, bearing the beginning bates number DEFS000778041, and introduced at the deposition of Defendant Joseph Lupica as Exhibit 16.

24. Attached as **Exhibit 23** is a true and correct copy of an email produced by Defendant Ningbo Sunny Electronic Co., Ltd. in the case *Optronics Techs., Inc. v. Ningbo Sunny Electronic Co., Ltd.*, Case No. 5:16-cv-06370-EJD (the “Orion Litigation”), and re-produced by Optronic Technologies, Inc. in this case, bearing the trial exhibit number 1311, and beginning bates number NSE2236655. This document was introduced at the deposition of Defendant Joseph Lupica in this case as Exhibit 25.

25. Attached as **Exhibit 24** are true and correct excerpts from the transcript for the March 7, 2024 deposition of Michael Sun.

26. Attached as **Exhibit 25** is a true and correct copy of an email produced by Defendants in this case, bearing the beginning bates number DEFS001774701, and introduced at the deposition of Defendant Corey Lee as Exhibit 84.

27. Attached as **Exhibit 26** is a true and correct copy of an email produced by Defendants in this case, bearing the beginning bates number DEFS002416861, and followed by a certified translation of the same email into English. This document was introduced at the deposition of Defendant David Shen as Exhibit 118.

28. Attached as **Exhibit 27** are true and correct excerpts from the transcript for the September 24, 2023 deposition of David Shen.

29. Attached as **Exhibit 28** is a true and correct copy of an email produced by Defendants in this case, bearing the beginning bates number DEFS005846579.

1           30. Attached as **Exhibit 29** is a true and correct copy of a document produced by  
2 Defendants in this case, bearing the beginning bates number DEFS000689264.

3           31. Attached as **Exhibit 30** is a true and correct copy of an email produced by  
4 Defendants in this case, bearing the beginning bates number DEFS000759376.

5           32. Attached as **Exhibit 31** is a true and correct copy of an email produced by  
6 Defendants in this case, bearing the beginning bates number DEFS002643151.

7           33. Attached as **Exhibit 32** is a true and correct copy of an email produced by Sheppard  
8 Mullin Richter & Hampton LLP in the Orion Litigation, bearing the beginning bates number  
9 SMRH-0006039, and re-produced by Optronic Technologies, Inc. in this case. This document was  
10 introduced at the deposition of Defendant David Anderson in this case as Exhibit 13.

11           34. Attached as **Exhibit 33** is a true and correct copy of an email produced by  
12 Defendants in this case, bearing the beginning bates number DEFS002637252, and followed by a  
13 certified translation of the same email into English. This document was introduced at the deposition  
14 of Defendant Laurence Huen as Exhibit 13.

15           35. Attached as **Exhibit 34** is a true and correct copy of an email produced by  
16 Defendants in this case, bearing the beginning bates number DEFS002622384, and introduced at  
17 the deposition of Defendant Laurence Huen as Exhibit 15.

18           36. Attached as **Exhibit 35** is a true and correct copy of an email produced by  
19 Defendants in this case, bearing the beginning bates number DEFS021595704, and introduced at  
20 the deposition of Claudia Pearson as Exhibit 2.

21           37. Attached as **Exhibit 36** is a true and correct copy of an email produced by  
22 Defendants in this case, bearing the beginning bates number DEFS000586679, and introduced at  
23 the deposition of Defendant Dave Anderson as Exhibit 18.

24           38. Attached as **Exhibit 37** is a true and correct copy of an email produced by  
25 Defendants in this case, bearing the beginning bates number DEFS005605254, and followed by a  
26 certified translation of the same email into English.

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1           39. Attached as **Exhibit 38** is a true and correct copy of an email produced by  
2 Defendants in this case, bearing the beginning bates number DEFS002619538, and introduced at  
3 the deposition of Paul Roth as Exhibit 35.

4           40. Attached as **Exhibit 39** is a true and correct copy of an email produced by  
5 Defendants in this case, bearing the beginning bates number DEFS002619583.

6           41. Attached as **Exhibit 40** is a true and correct copy of an email produced by  
7 Defendants in this case, bearing the beginning bates number DEFS000602743, and introduced at  
8 the deposition of Defendant Laurence Huen as Exhibit 18.

9           42. Attached as **Exhibit 41** is a true and correct copy of a document produced by  
10 Defendants in this case, bearing the beginning bates number DEFS000611300, and introduced at  
11 the deposition of Defendant David Anderson as Exhibit 22.

12           43. Attached as **Exhibit 42** is a true and correct copy of an email produced by  
13 Defendants in this case, bearing the beginning bates number DEFS000756896, and introduced at  
14 the deposition of Defendant David Anderson as Exhibit 29.

15           44. Attached as **Exhibit 43** is a true and correct copy of an email produced by  
16 Defendants in this case, bearing the beginning bates number DEFS000680813.

17           45. Attached as **Exhibit 44** is a true and correct copy of a document produced by  
18 Defendants in this case, bearing the beginning bates number DEFS000661324.

19           46. Attached as **Exhibit 45** is a true and correct copy of an email produced by  
20 Defendants in this case, bearing the beginning bates number DEFS002644514.

21           47. Attached as **Exhibit 46** is a true and correct copy of an email produced by  
22 Defendants in this case, bearing the beginning bates number DEFS005890906.

23           48. Attached as **Exhibit 47** is a true and correct copy of an email produced by  
24 Defendants in this case, bearing the beginning bates number DEFS002915762.

25           49. Attached as **Exhibit 48** is a true and correct copy of a document produced by  
26 Defendants in this case, bearing the beginning bates number DEFS002574899.

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1           50. Attached as **Exhibit 49** is a true and correct copy of an email produced by  
2 Defendants in this case, bearing the beginning bates number DEFS002416861, and followed by a  
3 certified translation of the same email into English.

4           51. Attached as **Exhibit 50** is a true and correct copy of a document produced by  
5 Defendants in this case, bearing the beginning bates number DEFS000000025.

6           52. Attached as **Exhibit 51** is a true and correct copy of an email produced by  
7 Defendants in this case, bearing the beginning bates number DEFS005672175, and followed by a  
8 certified translation of the same email into English.

9           53. Attached as **Exhibit 52** is a true and correct copy of an email produced by  
10 Defendants in this case, bearing the beginning bates number DEFS005776816RP, and followed by  
11 a certified translation of the same email into English.

12           54. Attached as **Exhibit 53** is a true and correct copy of an email produced by  
13 Defendants in this case, bearing the beginning bates number DEFS005776817RP, and followed by  
14 a certified translation of the same email into English.

15           55. Attached as **Exhibit 54** is a true and correct copy of an email produced by  
16 Defendants in this case, bearing the beginning bates number DEFS005720262, and followed by a  
17 certified translation of the same email into English.

18           56. Attached as **Exhibit 55** is a true and correct copy of a document produced by  
19 Defendants in this case, bearing the beginning bates number DEFS000756356.

20           57. Attached as **Exhibit 56** is a true and correct copy of an email produced by DPPs in  
21 this case, bearing the beginning bates number DPP00603215.

22           58. Attached as **Exhibit 57** is a true and correct copy of an email produced by DPPs in  
23 this case, bearing the beginning bates number DPP00603316.

24           59. Attached as **Exhibit 58** is a true and correct copy of an email produced by DPPs in  
25 this case, bearing the beginning bates number DPP00600483.

26           60. Attached as **Exhibit 59** is a true and correct copy of an email produced by DPPs in  
27 this case, bearing the beginning bates number DPP00600443.

28



1           61. Attached as **Exhibit 60** is a true and correct copy of a document produced by DPPs  
2 in this case bearing the beginning bates number DPP00600457.

3           62. Attached as **Exhibit 61** are true and correct excerpts from the transcript for the trial  
4 in the Orion Litigation, produced by DPPs in this case bearing the beginning bates number  
5 DPP00598630.

6           63. Attached as **Exhibit 62** are true and correct excerpts from the transcript for the trial  
7 in the Orion Litigation, produced by DPPs in this case bearing the beginning bates number  
8 DPP00597894.

9           64. Attached as **Exhibit 63** is a true and correct copy of an email produced by  
10 Defendant Ningbo Sunny Electronic Co., Ltd. in the Orion Litigation, and re-produced by Optronic  
11 Technologies, Inc. in this case, bearing the trial exhibit number 1305, and beginning bates number  
12 NSE2686873.

13           65. Attached as **Exhibit 64** is a true and correct copy of an email produced by DPPs in  
14 this case, bearing the beginning bates number DPP00600152.

15           66. Attached as **Exhibit 65** is a true and correct copy of an email produced by DPPs in  
16 this case, bearing the beginning bates number DPP00600250.

17           67. Attached as **Exhibit 66** is a true and correct copy of an email produced by  
18 Defendant Ningbo Sunny Electronic Co., Ltd. in the Orion Litigation, and re-produced by Optronic  
19 Technologies, Inc. in this case, bearing the trial exhibit number 1660, and beginning bates number  
20 NSE2232711.

21           68. Attached as **Exhibit 67** is a true and correct copy of a document produced by DPPs  
22 in this case, bearing the beginning bates number DPP00600533.

23           69. Attached as **Exhibit 68** are true and correct excerpts from the transcript for the trial  
24 in the Orion Litigation, produced by DPPs in this case bearing the beginning bates number  
25 DPP00598843.

26           70. Attached as **Exhibit 69** are true and correct excerpts from the transcript for the trial  
27 in the Orion Litigation, produced by DPPs in this case bearing the beginning bates number  
28 DPP00598380.

1           71. Attached as **Exhibit 70** is a true and correct copy of a document produced by DPPs  
2 in this case, bearing the beginning bates number DPP00600530.

3           72. Attached as **Exhibit 71** is a true and correct copy of an article produced by DPPs in  
4 this case, bearing the beginning bates number DPP00600385.

5           73. Attached as **Exhibit 72** is a true and correct copy of an email produced by  
6 Defendant Ningbo Sunny Electronic Co., Ltd. in the Orion Litigation, and re-produced by Optronix  
7 Technologies, Inc. in this case, bearing the trial exhibit number 1769, and beginning bates number  
8 NSE2673424.

9           74. Attached as **Exhibit 73** is a true and correct copy of an email produced by DPPs in  
10 this case, bearing the beginning bates number DPP00600321.

11           75. Attached as **Exhibit 74** is a true and correct copy of an email produced by  
12 Defendant Ningbo Sunny Electronic Co., Ltd. in the Orion Litigation, and re-produced by Optronix  
13 Technologies, Inc. in this case, bearing the trial exhibit number 1193, and beginning bates number  
14 NSE00073782.

15           76. Attached as **Exhibit 75** is a true and correct copy of an email produced by DPPs in  
16 this case, bearing the beginning bates number DPP00603281.

17           77. Attached as **Exhibit 76** is a true and correct copy of an email produced by DPPs in  
18 this case, bearing the beginning bates number DPP00600314.

19           78. Attached as **Exhibit 77** is a true and correct copy of an email produced by DPPs in  
20 this case, bearing the beginning bates number DPP00603432.

21           79. Attached as **Exhibit 78** is a true and correct copy of an email produced by DPPs in  
22 this case bearing the beginning bates number DPP00603278.

23           80. Attached as **Exhibit 79** are true and correct excerpts from the transcript of the  
24 deposition of Peter Ni in the Orion Litigation, produced by DPPs in this case, bearing the beginning  
25 bates number DPP00603035.

26           81. Attached as **Exhibit 80** is a true and correct copy of a document produced by  
27 Defendant Ningbo Sunny Electronic Co., Ltd. in the Orion Litigation, and re-produced by Optronix  
28

1 Technologies, Inc. in this case, bearing the trial exhibit number 1779, and beginning bates number  
2 NSE2700907.

3 82. Attached as **Exhibit 81** are true and correct excerpts from the transcript for the trial  
4 in the Orion Litigation, produced by DPPs in this case bearing the beginning bates number  
5 DPP00597699.

6 83. Attached as **Exhibit 82** is a true and correct copy of an email produced by DPPs in  
7 this case, bearing the beginning bates number DPP00600353.

8 84. Attached as **Exhibit 83** is a true and correct copy of an email produced by DPPs in  
9 this case, bearing the beginning bates number DPP00600266.

10 85. Attached as **Exhibit 84** is a true and correct copy of an email produced by DPPs in  
11 this case, bearing the beginning bates number DPP00600414.

12 86. Attached as **Exhibit 85** is a true and correct copy of an email produced by DPPs in  
13 this case bearing the beginning bates number DPP00600217.

14 87. Attached as **Exhibit 86** is a true and correct copy of an email produced by DPPs in  
15 this case, bearing the beginning bates number DPP00600295.

16 88. Attached as **Exhibit 87** is a true and correct copy of a document produced by  
17 Defendant Ningbo Sunny Electronic Co., Ltd. in the Orion Litigation, and re-produced by Optronix  
18 Technologies, Inc. in this case, bearing the trial exhibit number 1208, and beginning bates number  
19 NSE2230642.

20 89. Attached as **Exhibit 88** is a true and correct copy of an email produced by DPPs in  
21 this case, bearing the beginning bates number DPP00603463.

22 90. Attached as **Exhibit 89** is a true and correct copy of an email produced by DPPs in  
23 this case, bearing the beginning bates number DPP00603450.

24 91. Attached as **Exhibit 90** is a true and correct copy of an email produced by  
25 Defendants in this case, bearing the beginning bates number DEFS000774569.

26 92. Attached as **Exhibit 91** are true and correct excerpts from the transcript for the  
27 November 30, 2023 deposition of James Bielaga.

28

1           93.     Attached as **Exhibit 92** are true and correct excerpts from the transcript for the  
2 August 14, 2023 deposition of Defendant Corey Lee.

3           94.     Attached as **Exhibit 93** are true and correct excerpts from the transcript for the  
4 August 15, 2023 deposition of Defendant Corey Lee.

5           95.     Attached as **Exhibit 94** is a true and correct copy of an email produced by  
6 Defendants in this case, bearing the beginning bates number DEFS001982299. This document was  
7 introduced at the deposition of Defendant Corey Lee as Exhibit 81.

8  
9           I declare under penalty of perjury under the laws of the United States that the foregoing is  
10 true and correct to the best of my knowledge, information, and belief.

11 Dated: May 20, 2024

12 By: /s/ Matthew Borden  
Matthew Borden